



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,483	12/26/2000	Jean-Charles Dupuis	06305-002-US-1	1843

7590 01/27/2005

BROUILLETTE KOSIE
25th Floor
1100 Rene-Levesque Blvd. West
Montreal, Quebec, H3B 5C9
CANADA

EXAMINER

CHEVALIER, ROBERT

ART UNIT	PAPER NUMBER
----------	--------------

2616

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/745,483

Applicant(s)

DUPUIS ET AL.

Examiner

Bob Chevalier

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,10-13,18 and 19 is/are rejected.
- 7) ☒ Claim(s) 3,8,9,14-17 and 20-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

2. Claim 19 is objected to because of the following informalities: There is no period at the end of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-2, 4, 12-13, and 18-19, are rejected under 35 U.S.C. 102(a) as being anticipated by Wordemann (EP 0967611 A2).

Wordemann discloses a recording/reproducing apparatus that shows all the limitations recited in claims 1, and 18, including the feature of storing digital video signal in a database (See the capability of recording programme contribution on a storage

Art Unit: 2616

medium as specified in Wordemann's column 10, lines 26-30), the feature of scanning the video signal for the presence of predetermined characteristic and associating said characteristic with the start and the end of each such segments as specified in the present claims 1, and 18. (See the capability of determining and collecting the beginning and the ending of advertising blocks from the stored video data as shown in Wordemann's column 10, lines 32-39).

With regard to claim 2, the feature of storing the video signal after the segments have been removed therefrom as specified thereof is present in the cited reference of Wordemann. (See Wordemann's claim 5).

With regard to claim 4, the feature of separately storing the segments and the rest of the video signal as specified thereof is present in the cited reference of Wordemann. (See Wordemann's Figure 2, component 31, where it is shown that the video data "VOB1, VOB3, VOB5, and VOB7" and the advertising blocks "VOB2, VOB4, and VOB6" are separately recorded on the disk).

With regard to claim 12, the feature of storing the segments in a database as specified thereof is present in Wordemann. (See the storage of the advertising segments as shown in Wordemann's Figure 2, component 31).

With regard to claim 13, the feature of storing predetermined information relating the segment in a database as specified thereof is present in Wordemann. (See Wordemann's column 10, lines 48-51).

With regard to claim 19, the feature of storing the segments in a database, and storing the characteristic in the database as specified thereof would be present in

Art Unit: 2616

Wordemann. (See the storage of the advertising segments as shown in Wordemann's Figure 2, component 31, and further, see Wordemann's column 10, lines 48-51).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 5-6, and 10-11, are rejected under 35 U.S.C. 103(a) as being unpatentable over Wordemann in view of Iggulden.

Wordemann discloses a video recording/reproducing apparatus that shows substantially the same limitations recited in claim 5, including the feature of scanning the video data for the presence of predetermined characteristics with the video data as specified in the present claim 5. (See the capability of determining and collecting the

Art Unit: 2616

beginning and the ending of advertising blocks from the stored video data as shown in Wordemann's column 10, lines 32-39).

Wordemann fails to specifically disclose the feature of scanning the video data for predetermined characteristics, wherein the characteristics include the presence of a black frame before and after the segment as specified in the present claim 5.

Iggulden discloses a recording apparatus which includes the capability of scanning a video data for the presence of predetermined characteristics such as advertising segments, wherein the detection of the advertising segments is performed partially by the detection of event markers, and wherein the event markers (or the predetermined characteristic as claimed) being a period containing one or more black frames. Applicant's attention is directed to Iggulden's column 9, line 59, to column 10, line 4.

It would have been obvious to one skilled in the art to modify the Wordemann's apparatus wherein the advertising segments detection means providing thereof would incorporate the capability of detecting the advertising segments by detecting event markers containing one or more black frames in the period of the event markers in the same conventional manner as is shown by Iggulden. The motivation is to increase the accuracy of detecting advertising segments from the video signal as suggested by Iggulden.

With regard to claims 6, and 10-11, it is noted that the cited reference of Wordemann discloses a video recording/reproducing apparatus that shows substantially the same limitations recited in the present claims 6, and 10-11, including the feature of

Art Unit: 2616

detecting predetermined characteristic. (See the capability of determining and collecting the beginning and the ending of advertising blocks from the stored video data as shown in Wordemann's column 10, lines 32-39).

It is to be noted, however, that Wordemann fails to specifically disclose the features of the predetermined characteristic including the presence of predetermined video internal time code cue, or the predetermined characteristic including a predetermined duration for such a segment, wherein the duration is 15 seconds or a multiple thereof as specified in the present claims 6, and 10-11.

Iggulden does disclose a video recording apparatus which includes the capability of detecting predetermined characteristic of a video signal, wherein the predetermined characteristics would include the presence of predetermined video internal time code cue, or the predetermined characteristic including a predetermined duration for such a segment, wherein the duration is 15 seconds or a multiple thereof as specified in the present claims 6, and 10-11. (See Iggulden's column 10, lines 11-17).

It would have been obvious to one skilled in the art to modify the Wordemann's apparatus wherein the predetermined characteristics of the advertising segments of the video signal provided thereof would incorporate the capability of a predetermined characteristic including the presence of predetermined video internal time code cue, or the predetermined characteristic including a predetermined duration for such a segment, wherein the duration is 15 seconds or a multiple thereof in the same conventional manner as shown by Iggulden. The motivation is to better recognize the advertising segment during detection operation as suggested by Iggulden.

Art Unit: 2616

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wordemann in view of Deluca.

Wordemann discloses a video recording/reproducing apparatus that shows substantially the same limitations recited in claim 7, including the feature of scanning the video data for the presence of predetermined characteristics with the video data as specified in the present claim 7. (See the capability of determining and collecting the beginning and the ending of advertising blocks from the stored video data as shown in Wordemann's column 10, lines 32-39).

Wordemann fails to specifically disclose the feature of the predetermined characteristic including the presence of a higher audio level as specified in the present claim 7.

Deluca discloses the capability of detecting advertising segments from a video signal by detecting a predetermined characteristic including the presence of a higher audio level as specified in the present claim 7. (See Deluca's column 1, lines 25-28).

It would have been obvious to one skilled in the art to modify the Wordemann's apparatus wherein the detecting means provided thereof would incorporate the capability of detecting the advertising segments of the video signal by detecting predetermined characteristic including the presence of a higher audio level in the same conventional manner as is shown by Deluca. The motivation is to increase the accuracy of detecting the advertising segments of the video signal as suggested by Deluca.

Art Unit: 2616

9. Claims 3, 8-9, 14-17, and 20-22, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 703-305-4780. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. Chevalier
January 21, 2005.


ROBERT CHEVALIER
PRIMARY EXAMINER